



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 138-2012

To approve the expropriation of property interests in certain lands at 3347 Countryside Drive for the purpose of widening of Countryside Drive

WHEREAS the Council of The Corporation of the City of Brampton, at its meeting of March 30, 2011, enacted By-law 73-2011 to authorize the expropriation of property interests in certain lands for the reconstruction of Countryside Drive from Torbram Road to 500 meters east of Goreway Drive;

AND WHEREAS notice of Council's intention to expropriate the said property interests in lands were served on all persons with an interest in the lands and in accordance with the provisions of the Expropriations Act, R.S.O. 1990, c.E26, as amended;

AND WHEREAS a Hearing of Necessity was held on April 17, 2012 for the owner identified in Schedule "A" to this by-law. The Inquiry Officer's report found that the landowner has legitimate interests, but that in balancing the landowner's desire to retain their parcel intact with the public interest in having adequate and safe transportation, the private interest should be subordinate to the public interest. The Inquiry Officer concluded that the proposed expropriation is fair, sound and reasonably necessary, which conclusion is contained in a written report dated May 2, 2012.

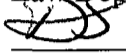
AND WHEREAS Council has received and reviewed the said report of the Inquiry Officer.

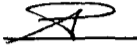
AND WHEREAS the City of Brampton has been unable to reach an agreement with the owner of the Lands to convey the necessary interests required to meet the objectives of the expropriating authority.

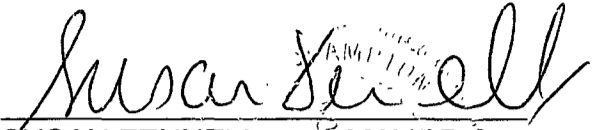

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

1. That Council enact a by-law to approve the expropriation of property interests in the lands described in Schedule "A" for the written reasons attached hereto as Schedule "B" to this by-law.
2. That the Mayor and City Clerk, or their delegated authority, as the case may be, be authorized to execute all documents, and the Mayor and the City Clerk be authorized to execute, serve and publish on behalf of The Corporation of the City of Brampton, all notices, applications, advertisements and other documents required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended, in order to effect the expropriation or acquisition of the said property rights, based on terms and conditions acceptable to the Commissioner of Works and Transportation, and in a form acceptable to the City Solicitor.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 23rd day of May, 2012.

Approved
as to form
Law Dept.

17 MAY '12

Approved
as to content
BPM Dept.

May 14 12


SUSAN FENNELL MAYOR

PETER FAY CLERK

SCHEDULE "A"

Summary of property interests to be expropriated
In connection with the reconstruction of Countryside Drive from Torbram Road to
500 meters east of Goreway Drive

Property Owner Home and Mailing Address	Property Description (Address/Location, PIN, Legal Description)	Property Rights Required	Part(s) and Reference Plan Number
Renato Frizza and Elizabetta Frizza 3347 Countryside Drive Brampton, ON L6P 0T6	3347 Countryside Drive 142200006 Lot 15, Plan M-90	Perm. Storm Water Drainage Easement	Parts 3 & 4 43R-33552

SCHEDULE "B"

IN THE MATTER OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE
LAND BEING THE LANDS DESCRIBED IN SCHEDULE "A" TO THIS BYLAW

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer David R. Vine dated May 2, 2012 from the inquiry relating to the proposed taking, the Council of the The Corporation of the City of Brampton agrees that the expropriation of property interests in the Inquiry Land set out in Schedule "A" is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

1. The property interests in lands to be taken are required for or in connection with the following objectives:
 - (a) to widen existing drainage easement by deed No. LT89002 registered August 25, 1976;
 - (b) to implement the approved Environmental Study Report prepared in November 2005 in respect of the project (the "ESR") and the study/report by R.V. Anderson Associates Limited, dated April 3, 2012;
 - (c) to implement the 100 year flood regulations by the Toronto and Region Conservation Authority;
 - (d) to implement Toronto and Region Conservation Authority regulations and recommendations;
 - (e) to prevent flooding in the community and surrounding areas;
 - (f) to promote flood control and erosion programs;
 - (g) to maintain the natural flow direction of surface water run-off;
 - (h) to protect public safety;
 - (i) to comply with current engineering standards and regulations changes;
 - (j) to implement the City's Official Plan and related Policies and the Provincial Growth Plan;
 - (k) to address infrastructure requirements of the City in a planned and organized manner;

2. The required property interests in the lands best achieve the above objectives, including minimizing and mitigating damage by way of injurious affection, business loss and disturbance damage.

In that connection:

 - (a) The existing drainage easement does not have sufficient capacity to accommodate 100 year flood plan by the Toronto and Region Conservation Authority;
 - (b) Widening the existing drainage easement would avoid disturbance of the channel of the watercourse;
 - (c) The existing 600mm culvert will be replaced by extending 955mm culvert by 1535mm sewer from stormwater management across Countryside Drive;
 - (d) Relocation or piping of this watercourse are not options supported by Toronto and Region Conservation Authority as this feature has been identified as a watercourse and therefore fish habitat;
 - (e) Diversion of the flow from this feature is also not supported by Toronto and Region Conservation Authority as flow should stay within respective watercourse/tributaries to allow for continued supply to each feature;
 - (f) The area of the proposed additional easement taking and the works necessary to construct outfall represent a minimal intrusion to the lands;
 - (g) Improvements to City infrastructure, improved roadways and stormwater management system are needed to support municipal land use and development objectives.